

REMARKS

Claims 1 – 37 were pending when last examined. Claims 1 – 37 were rejected. Claims 1, 5, 7, 8, 12, 16, 18, 22 – 25, 29, 33, and 37 are being amended. Claims 3, 4, 10, 11, 20, 21, and 38 – 46 are being canceled. Reconsideration is respectfully requested.

Election/Restrictions

Claims 38 – 46 are being canceled.

Claim Rejections – 35 U.S.C. §101

In sections 3 – 5 of the Office Action, the Examiner rejected claims 1 – 7 as being directed to non-statutory subject matter. Specifically, claim 1 does not result in a physical transformation nor does it provide a useful, concrete and tangible result. As such, claim 1 is being amended as follows:

A method for determining a characteristic of blood ~~a biological object~~, comprising:
detecting a ~~pattern~~ blood vessel of an eye on the biological object;
emitting radiation onto the detected blood vessel ~~pattern~~;
collecting at least a portion of radiation that is reflected by the blood vessel ~~pattern of the~~
eye on the biological object; and
analyzing the collected radiation to determine a characteristic of the blood ~~biological~~
~~object~~; and
displaying the determined characteristic.

Applicant submits that claim 1 now provides a useful, concrete and tangible result in that it displays the determined characteristic. This is useful as it enables appropriate action to be taken based on the determined characteristic. For example, if the determined characteristic is high glucose, a person can then lower food intake or inject insulin. As such, claim 1, as amended, offers a practical application and is therefore statutory. Therefore, Applicant respectfully requests withdrawal of the rejection.

Claim Rejections – 35 U.S.C. §102

In section 6 and 7 of the Office Action, the Examiner rejected claims 1 – 12 and 14 – 37 under 35 U.S.C. §102 as being anticipated by Rice et al.

Claim 1, as amended, is patentable over Rice et al., by at least reciting:

A method for determining a characteristic of blood ~~a biological object~~, comprising:
detecting a pattern blood vessel of an eye on the biological object;
emitting radiation onto the detected blood vessel pattern;
collecting at least a portion of radiation that is reflected by the blood vessel pattern of the eye on the biological object; and
analyzing the collected radiation to determine a characteristic of the blood biological object; and
displaying the determined characteristic.

In contrast, as the Examiner states, Rice et al. teach an arrangement that “captures images and performs pattern recognition to located and track a subject’s optic disk, and subsequently performs measurements of the blood constituents.” Rice at al. also teaches that analysis is based on “the light reflected from the retina to quantitatively determine the amount of the particular analyte compound present.” (Column 5, lines 61 – 63).

Claim 1 in contrast looks for a blood vessel and only emits radiation onto that blood vessel, not surround tissue such as the entire retina as taught by Rice et al. As such, the claimed invention provides a high signal to noise ratio than Rice et al., thereby providing more accurate analysis of blood characteristics. As such, Applicant submits that claim 1 is patentable over Rice et al. Further, claims 8, 18 and 24 have been amended similarly and therefore should be patentable over Rice et al. for at least the same reasons. Dependent claims thereof are patentable over Rice et al. at least by virtue of their dependency.

With reference to claims 25 – 37, the Examiner states that “as multiple wavelengths are emitted and the claims, as written, do not set forth a structure that actually performs optical coagulation or ablation, it is considered that at least one of said wavelengths of Rice et al. may be use for coagulation and one may be used for ablation.” As such, Applicant is amending claim 25 for clarification as follows:

A method, comprising:
detecting a pattern on a biological object; and
using a radiation emitter to emit emitting radiation of a single wavelength
onto the detected pattern.

As such, claim 25 now recites structure that can perform coagulation or ablation and that radiation of only one wavelength is emitted. Therefore, Applicant submits that claim 25 is patentable over Rice et al. Further, claims 29, 33, and 37 have been amended similarly and are

therefore patentable for at least the same reasons. In addition, the dependent claims thereof are patentable at least by virtue of their dependency.

Claim Rejection – 35 U.S.C. §103(a)

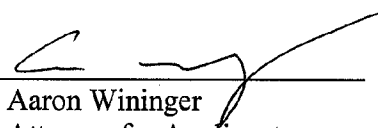
In sections 8 and 9 of the Office Action, the Examiner rejected claim 13 as being unpatentable over Rice et al. Applicant submits that claim 13 is patentable at least by virtue of its dependence to a patentable claim.

As such, as all claims are patentable, Applicant requests withdrawal of the rejections and issuance of a Notice of Allowance.

If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned.

Respectfully submitted,
Brian Yen

Dated: 10/26/06
Squire, Sanders & Dempsey L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043
Telephone (650) 843-3375
Facsimile (650) 843-8777

By 
Aaron Wininger
Attorney for Applicants
Reg. No. 45,229